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From: Kevin G. Mierzwa
Date: January 23, 2006
Our File No.: 126062 (GEMS 0162 PUS)
Your Ref. No. 10/064,145
Comments: Attached is Appeal Brief pursuant to Notice of Appeal
dated 11/23/05.

Total Pages (incl. Cover sheet): 9

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JAN 23 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of

Mark A. Kappel

Serial No: 10/064,145

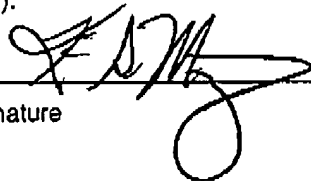
Group Art Unit: 2839

Filed: 06/14/2002

Examiner: Duverne, Jean F.

For: ELECTROSTATIC DISCHARGE PROTECTIVE BOOT FOR A CONNECTOR

Attorney Docket No: 126062 (GEMS 0162 PUS)

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))	
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Signature	
Date: <u>1-23-2006</u>	Kevin G. Mierzwa

26APPEAL BRIEFMail Stop Appeal Brief – Patents
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

Sir:

The following Appeal Brief is submitted pursuant to the Notice of Appeal dated November 23, 2005, for the above-identified application.

I. Real Party in Interest

The real party in interest in this matter is the General Electric Company.

II. Related Appeals and Interferences

There are no other known appeals or interferences which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

III. Status of the Claims

Claims 1-9, 11, 13-17 and 19-20 stand rejected in the Final Office Action. Claims 10, 12 and 18 stand allowable if rewritten in independent form.

IV. Status of Amendments

There have been no amendments filed subsequent to the final rejection.

V. Summary of Claimed Subject Matter

The present invention is illustrated in Figure 8 of the present application. More specifically, the bottom portion of Figure 8. Claim 1 is directed to a connector cap assembly (110) for mechanically and electrically coupling to a connector (22) having connector contacts. A boot housing (112) is formed of electrical charge dissipative material. The housing (112) is sized to receive the connector (22) therein. The boot housing (112) comprises a floor portion (118) contacting the connector contacts (120). The assembly further includes a retainer (130) positioned on the housing for retaining a ground wire (132) in contact with the housing (112).

Claim 2 recites that the charge dissipative material comprises rubber.

Claim 3 recites that the floor portion (118) comprises a plurality of floor contacts (120) electrically coupled to said connector contacts.

Claim 4 recites that the floor contacts (120) contact more than one connector contacts.

Claim 5 depends from Claim 3 and recites that the floor contacts (120) contact four connector contacts.

Claim 6 depends from Claim 3 and recites that the floor contacts are pyramidal in shape.

Claim 7 depends from Claim 6 and recites that the pyramidal shape has a plurality of sides, each side contacting one of said connector contacts.

Claim 8 depends from Claim 7 and recites that the plurality of sides comprises four.

Claim 9 recites that the floor portion (118) is compliant.

Claim 10 recites that the retainer (130) comprises a plurality of protrusions (134) and a tab (136), whereby the ground wire is retained between said plurality of protrusions and the tab.

Claim 11 recites that the boot housing (112) has retainer arms (114) extending therefrom, the retainer arms sized to receive the connector therein.

Claim 12 recites that the retainer arms (114) comprise snap openings (116) sized to receive a connector snap. This claim stands objected to (and has not been appealed). Appellants include this description for clarity.

Claim 13 recites that the boot housing (112) comprises an alignment guide (122) therein.

Claim 14 is a second independent claim that recites an assembly. The assembly includes a connector (56) having connector (60) contacts, a boot housing (112) coupled to the connector. The boot housing (112) is formed of electrical charge dissipative material. The boot housing (112) comprises a floor portion having a plurality of floor contacts (118) contacting the connector contacts (60). The assembly further includes a retainer (130) positioned on the housing for retaining a ground wire (132) in contact with the housing (112).

Claim 15 recites that the floor contacts (118) contact more than one connector contacts.

Claim 16 recites that the floor contacts (118) contact four connector contacts.

Claim 17 recites that the boot housing has retainer arms (114) extending therefrom, said retainer arms sized to receive a guide channel on said connector.

Claim 18 depends from Claim 17 and recites that the retainer arms comprise snap openings (116) sized to receive a snap (56) disposed on the connector (56). Claim 18 depends from claim 17. Claim 18 stands objected to and has only been set forth here for completeness.

Claim 19 recites that the boot housing comprises an alignment guide (122) therein.

Claim 20 depends from Claim 19 and recites that the connector is coupled to a socket carrier (50) having an alignment slot (78) sized to receive said alignment guide (122).

VI. Grounds of Rejection to be Reviewed on Appeal

The following issues are presented in this appeal:

Whether claims 1, 3-4, 9, 11, 13-15, 17, 19-20 are anticipated under 35 U.S.C. §102(b) by *Tadokoro* (5,102,344).

Whether claims 5-8 and 16 are anticipated under 35 U.S.C. §103(a) by *Tadokoro* (5,102,344).

Whether claim 2 is obvious under 35 U.S.C. §103(a) as being unpatentable over *Tadokoro* (5,102,344) in view of *Feng* (6,046,908).

VII. Argument

The Rejection of Claims 1, 3-4, 9-11, 13-15, 17, 19-20

Claims 1 and 14

Appellants would like to point out that the boot housing is formed of an electrical charge dissipative material, and that the boot housing comprises a floor portion contacting the connector contacts. Thus, because the boot housing includes the floor, the floor is also formed of charge dissipative material. The other significant point is that the *Tadokoro* reference is an electrical connector wherein the present invention is a connector cap assembly. The connector cap assembly of the present invention is to prevent stray voltages from getting into a connector. The *Tadokoro* reference is a connector that is used for electrically connecting two different portions or portions of a circuit together. Thus, the overall goal is significantly different than the two references. The two differing goals is manifested in claim 1 by providing a floor portion that contacts the connector contacts. Thus, the floor portion is used to dissipate any charges therein. Essentially, the floor portion shorts out the contacts. The Examiner points to Fig. 4, which illustrates a floor portion. It appears that the Examiner is pointing to the holder (10) as the floor portion. Appellants admit that the *Tadokoro* reference has an electrically conductive pipe (11). Also, the electrically conductive pipe (11) is electrically coupled to the sheath wires (3) and (6). Sheath wire terminal (16) is electrically coupled to the conductive pipe (11) through the resilient member (19). This goes around the holder (10) because the holder (10) is described as electrically insulating. Appellants respectfully submit that no floor portion formed of an electrical charge dissipative material is taught or suggested. If the holder (10) were formed of charge dissipative material the electrical connection between the contact (16) and the conductive pipe would not be required. It should be noted that the electrical connection of the wire terminals (16) and (17) with the pipe are described in Col. 4, lines 29-42. Because at least

one element of claim 1 is not taught or suggested, Appellants respectfully request the Examiner to reconsider the rejection of claim 1.

Claim 14 is similar to claim 1 in that the boot housing is formed of electrical charge dissipative material and that the boot housing comprises a floor portion having a plurality of floor contacts contacting the connector contacts. Appellants therefore respectfully request the Examiner to reconsider the rejection of claim 14.

Appellants therefore respectfully request the Board to reverse the Examiner's rejection of Claim 14.

Likewise, Claims 3-4, 9-11, 13, 15, 17, and 19-20 are dependent upon Claims 1 and 14 and are also believed to be allowable for the same reasons set forth above. These claims stand or fall with their independent claims

The Rejection of Claims 5-8 and 16

Claims 5-8 and 16

Claims 5 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Tadokoro*. Claims 5 and 16 are dependent upon Claims 1 and 14, respectively and are similar in subject matter and therefore stand or fall together. Claim 5 depends from Claim 3 and recites that the floor contacts (120) contact four connector contacts. Claim 6 depends from Claim 3 and recites that the floor contacts are pyramidal in shape. Claim 7 depends from Claim 6 and recites that the pyramidal shape has a plurality of sides, each side contacting one of said connector contacts. Claim 8 depends from Claim 7 and recites that the plurality of sides comprises four. The elements recited in Claims 5-8 and 16 are not specifically disclosed in the reference. The reference has several deficiencies described above with respect to claims 1 and 14 and it would not be obvious to modify the reference to encompass the elements of these claims. Appellants therefore respectfully request the Board to reverse the Examiner's rejection of Claims 5-8 and 16 for the same reasons set forth above.

The Rejection of Claim 2

Claim 2

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Tadokoro* in view of *Feng* (6,046,908). Appellants respectfully traverse. Claim 2 is dependent upon Claim 1. The elements missing from the *Tadokoro* reference are not taught or suggested in the *Feng* reference. Claim 2 recites the charge dissipative material is rubber. Although rubber is

CLAIMS APPENDIX

1. A connector cap assembly for mechanically and electrically coupling to a connector having connector contacts comprising:

a boot housing formed of electrical charge dissipative material, said housing sized to receive said connector therein, said boot housing comprising a floor portion contacting said connector contacts; and

a retainer positioned on said housing for retaining a ground wire in contact with the housing.

2. A connector cap assembly as recited in claim 1 wherein said charge dissipative material comprises rubber.

3. A connector cap assembly as recited in claim 1 wherein said floor portion comprises a plurality of floor contacts electrically coupled to said connector contacts.

4. A connector cap assembly as recited in claim 3 wherein said floor contacts contact more than one connector contacts.

5. A connector cap assembly as recited in claim 3 wherein said floor contacts contact four connector contacts.

6. A connector cap assembly as recited in claim 3 wherein said floor contacts are pyramidal in shape.

7. A connector cap assembly as recited in claim 6 wherein said pyramidal shape has a plurality of sides, each side contacting one of said connector contacts.

8. A connector cap assembly as recited in claim 7 wherein said plurality of sides comprises four.

9. A connector cap assembly as recited in claim 1 wherein said floor portion is compliant.

11. A connector cap assembly as recited in claim 1 wherein said boot housing has retainer arms extending therefrom, said retainer arms sized to receive said connector therein.

13. A connector cap assembly as recited in claim 1 wherein said boot housing comprises alignment guide therein.

14. An assembly comprising:

a connector having connector contacts;

a boot housing coupled to said connector, said boot housing formed of electrical charge dissipative material, said boot housing comprising a floor portion having a plurality of floor contacts contacting said connector contacts;

a retainer positioned on said housing for retaining a ground wire in contact with the housing.

15. An assembly as recited in claim 14 wherein said floor contacts contact more than one connector contacts.

16. An assembly as recited in claim 14 wherein said floor contacts contact four connector contacts.

17. An assembly as recited in claim 14 wherein said boot housing has retainer arms extending therefrom, said retainer arms sized to receive a guide channel on said connector.

19. An assembly as recited in claim 14 wherein said boot housing comprises alignment guide therein.

20. An assembly as recited in claim 19 wherein said connector is coupled to a socket carrier having an alignment slot sized to receive said alignment guide.

disclosed a heat conducting, it is not set forth as charge dissipative. Appellants therefore respectfully request the Board to reconsider the Examiner's rejection of Claim 2.

VIII. Claims Appendix

A copy of each of the claims involved in this appeal, namely Claims 1-9, 11, 13-17, and 19-20 are attached hereto as Claims Appendix.

IX. Evidence Appendix

None.

X. Related Proceedings Appendix

None.

XI. Conclusion

For the foregoing reasons, Appellants respectfully requests that the Board direct the Examiner in charge of this examination to withdraw the rejections.

Please charge the fee of \$500.00 for filing the Brief in Support of an Appeal to Deposit Account 50-2041. Please credit any overpayment or charge any additional fees required in the filing of this appeal to deposit account 50-2041.

Respectfully submitted,



Kevin G. Mierzwa
Registration No. 38,049
Attorney for Appellants

Date: 1-23-2006

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Mark A. Kappel

Serial No: 10/064,145

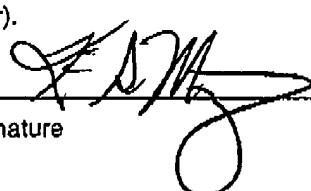
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Date: <u>1-23-2006</u>	Kevin G. Mierzwa

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Respectfully submitted,



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